

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 09-CV-367-RJC-DCK**

**LENDING TREE, LLC,** )  
                                )  
**Plaintiff,**              )  
v.                             )       **ORDER**  
                                )  
**MORTECH, INC.,**            )  
                                )  
**Defendant.**              )

**THIS MATTER IS BEFORE THE COURT** on the “Motion to Seal Transcript” (Document No. 20) filed by Lending Tree, LLC (“Plaintiff”) on September 11, 2009. Plaintiff’s counsel has conferred with opposing counsel and indicates that Defendant consents to the motion. (Document No. 21). The motion has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having fully considered the record, and for good cause shown, the undersigned will grant the motion.

Plaintiff seeks an order directing that the transcript of the TRO hearing held on August 26, 2009 before Chief United States District Judge Robert J. Conrad, Jr., be sealed until further order of this Court. Local Civil Rule 6.1(C) provides that the motion to seal shall set forth: (1) a non-confidential description of the material sought to be sealed; (2) a statement as to why sealing is necessary and why there are no alternatives to filing under seal; (3) unless permanent sealing is sought, a statement as to the period of time the party seeks to have the material maintained under seal and as to how the matter is to be handled upon unsealing; and (4) supporting statutes, case law or other authority.

Plaintiff indicates that the transcript refers to or describes documents that are confidential business materials protected from disclosure by a confidentiality agreement between Plaintiff and Defendant. Plaintiff asserts that business interests of the parties would be adversely affected if the confidential information were revealed to third parties outside this case. Plaintiff further indicates that the “confidential information discussed at the hearing is necessary to substantiate Plaintiff’s allegations that Defendant’s breach of contract would result in irreparable injury.” (Document No. 20, ¶ 6). Given that the record reflects that the District Judge has already placed under seal the Plaintiff’s “Motion for Temporary Restraining Order and Preliminary Injunction” and related documents (Document No. 13, Order), sealing of the transcript would be consistent with the Court’s prior order. Given the confidentiality of the material, Plaintiff has adequately shown there is no alternative to sealing the transcript.

**IT IS, THEREFORE, ORDERED** that the “Motion to Seal Transcript” (Document No. 20) is **GRANTED** as follows:

1. The TRO Hearing Transcript (“Transcript”) from August 26, 2009, and any documents referenced therein, shall be placed under seal and shall remain sealed until further order of this Court;
2. Upon entry of this Order, and in accordance with Local Civil Rule 6.1(H)(2), access to the Transcript, and any sealed documents referenced therein, shall be provided by the Clerk only pursuant to Court Order, and no copies shall be made unless otherwise ordered by the Court;
3. Once sealed, before the Clerk provides access to or copies of the Transcript, and any documents referenced therein, to any person, notice of the Court’s intent to provide such access or copies shall be made in writing to Counsel for Plaintiff at the addresses below:

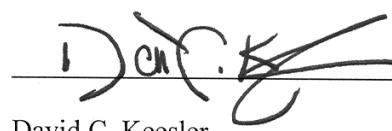
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The Plaintiff shall have ten (10) days from the mailing of such notice to intervene to prevent such disclosure before any such access and/or copies are made.

**IT IS SO ORDERED.**

Signed: September 15, 2009

  
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David C. Keesler  
United States Magistrate Judge  
